REMARKS/ARGUMENTS

It is asserted that these amendments do not add new matter and are supported by the specification and claims as originally filed. Entry of these claims is respectfully requested.

Claims 44-78 and 81-84 have been rejected.

Claims 65, 68, 79 and 80 have been amended.

Claims 79 and 80 are objected to.

Claims 44-64, 67, 69-72, 76-78, and 81-83 are kept unchanged.

Claims 66 and 73-75 are cancelled.

New claims 85-88 have been filed.

Claims 44-65, 67-72, and 76-88 are pending in the application.

Applicant is enclosing a new abstract.

Claim 65 has been amended to become dependent upon claim 44.

Claim 68 has been amended to become dependent upon claim 44.

The rejection of claims 66 and 73-75, under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, is now moot because those claims have been cancelled.

Claims 44-63 and 81-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altmann et al. (US Publication #US 2005/0015888 A1).

The instant claimed invention relates to a formulation for rinsing textiles rticles (S) by means of an aqueous or aqueous-alcoholic medium (MR), said formulation (F) comprising:

- an aqueous or aqueous-alcoholic medium (MAV),

- an active substance (A),

- a cationic surfactant (TAC), and

- a vehicle (V) being an organic polymer having an overall zero or cationic charge in the medium (MAV).

The active substance (A) is insoluble in the medium (MAV),has an overall zero or cationic charge in the medium (MAV), and is stabilized in the medium (MAV) by means of a cationic surfactant (TAC).

The vehicle (V) is soluble or dispersible in the medium (MAV) and in the rinsing medium (MR), has an overall cationic or zero ionic charge in the medium (MAV), and at the pH of the rinsing operation in the rinsing medium (MR) is capable of developing anionic charges in sufficient quantity to destabilize the active substance (A) in the rinsing medium (MR).

The vehicle polymer (V) is often referred to in the prior art as belonging to the family of ampholytic or amphoteric polymers.

Upon rinsing, the pH triggers the formation of anionic charges in the polymer which interacts with the cationic surfactant and flocculates with it.

The flocculation of vehicle V takes and destabilizes the active substance (A) to the textile surface.

Altmann does not teach the use of of ampholytic or amphoteric polymers in rinsing formulations and the different technical functions and interactions provided by the components of the instant claimed formulation. Although the Examiner is asserting

that Altmann does disclose a general teaching, Applicant submits that the one skilled in the art of rinsing formulations does not have a clue to construe and/or isolate any enabling formulation to perform the instant invention. Altmann is listing all the known monomers without giving an enabling disclosure of a working combination of anionic or potentially anionic units and cationic or potentially cationic units.

The combinations specifically taught by altmann are limited to hydrophobic/hydrophilic combinations (please see paragraphs 100-103 of the Altmann patent). All the polymers used by altmann in the examples of his patent are not ampholytic or amphoteric polymers. Indeed, polymer 1 has no charge, polymer 2 is PVP with no charge, Polymer 3 is P(VP-VCL) with no charge and polymer 4, although being a cationic polymer, cannot develop anionic groups.

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claims 44-63 and 81-83 under 35 U.S.C. 103(a) as being unpatentable over Altmann et al. (US Publication #US 2005/0015888 A1).

Claims 64, 65, 67, 69-72, and 76-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altmann et al. (US Publication #US 2005/0015888 A1) as applied to claim 44 above, and further in view of Barnabus et al. (US Patent #6,613,733B1).

As explained above Altmann does not teach nor even suggest vehicle (V) being ampholytic or amphoteric polymers. Barnabus et al. (US Patent #6,613,733B1) teach the use of specific polysaccharides providing wrinkle resistance in compositions for treating laundry. Barnabus does not describe nor suggest the specific claimed composition of the instant invention. Thus, the one skill in the art is not at all

motivated to combine the teachings of the two cited documents. Even if he does, he will not retrieve the instant claimed invention because, as above set forth, Altmann fails to disclose the use of vehicle (V) being ampholytic or amphoteric polymers.

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claims 64, 65, 67, 69-72, and 76-78 under 35 U.S.C. 103(a) as being unpatentable over Altmann et al. (US Publication #US 2005/0015888 A1) as applied to claim 44 above, and further in view of Barnabus et al. (US Patent #6,613,733B1).

Claim 84 rejected under 35 U.S.C. 103(a) as being unpatentable over Altmann et al. (US Publication #US 2005/0015888 A1) as applied to claim 44 and 82 above, and further in view Price et al. (US Publication #US 2002/0111285A1).

The Examiner asserts that Price teaches a rinsing compositions comprising the same components as the primary reference Altmann and for that reason, Price also fails to teach or even suggests the use of ampholytic or amphoteric polymers and the function they provide in the instant claimed invention.

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claim 84 under 35 U.S.C. 103(a) as being unpatentable over Altmann et al. (US Publication #US 2005/0015888 A1) as applied to claim 44 and 82 above, and further in view Price et al. (US Publication #US 2002/0111285A1).

In view of the preceding remarks, it is asserted that the patent application is in condition for allowance. Should the Examiner have any question concerning these remarks that would further advance prosecution of the claims to allowance, the examiner is cordially invited to telephone the undersigned agent at (609) 860-4180. A notice of allowance is respectfully solicited.

Respectfully submitted,

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By_____

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